United Nations S/2005/390

Security Council

Distr.: General
13 June 2005

Original: English

Letter dated 8 June 2005 from the Permanent Representative of the Republic of Yemen to the United Nations addressed to the President of the Security Council

In response to the allegations in the report of the Monitoring Group on Somalia (S/2005/153, enclosure) regarding my country, I have the honour to submit herewith the observations of the Government of the Republic of Yemen on the report (see annex).

We would greatly appreciate it if these observations could be circulated as a document of the Security Council.

(*Signed*) Abdullah M. **Alsaidi**
Ambassador
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Annex to the letter dated 8 June 2005 from the Permanent Representative of the Republic of Yemen to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Response to statements made in the report of the Monitoring Group on Somalia contained in document S/2005/153

1. **The introduction to the report contains the following statement, on page 4**:

> The Bakaaraha arms market inside Somalia, particularly in Mogadishu, and the arms market in a neighbouring Gulf State continue to play central roles as sources of arms that fuel violent clashes and remain an obstacle to peace and stability in Somalia. These markets are also one of the main causes underlying the many arms-related problems in the front-line States.

Response

Pursuant to Act No. 40 of 1992, the arms market in the Republic of Yemen no longer legally exists as from the beginning of 2003, when the Government took a decision to abolish the arms market and to cancel the permits granted for that purpose. This is in contrast to the earlier situation to which the report refers and which is no longer the case at present.

2. **On page 4 one also finds the following statement**:

> The Monitoring Group has investigated arms shipments that were offloaded from container ships at a neighbouring country's seaport and transported to Somalia by a combination of road and dhows.

Response

The paragraph is unclear and the accused party unknown. However, Yemen has no land borders with Somalia across which weapons might be transported to Somalia by land. There are other parties, however, that have the capacity to carry out such combined sea-and-land activity, but the Republic of Yemen is not one of them.

3. **Paragraph 10 of the report states the following**:

> The predominant means of transport of the arms were ocean-going freighters, dhows and surface vehicles over the local road networks in the neighbouring States and Somalia.

Response

Lack of clarity and generalization continue to prevail in the report. In addition, the shipment of arms involves transport over local road networks between neighbouring countries and Somalia, a condition that applies to neighbouring countries adjacent to Somalia, of which the Republic of Yemen is not one. Moreover, since the outbreak of the crisis, the Republic of Yemen has had no sea lines with Somalia.

4. **Paragraph 33 contains the following statement**:

> Yemeni nationals provide instructions on the use of heavy weapons that were purchased from the arms market in Yemen.

Response

The report does not specify when and how this has taken place or whether the parties that are behind it are official or not. Furthermore, the notion of "Yemeni nationals" (*ra'aya*) gives one to understand indulgence on the part of another State through the granting of protection (*ri'ayah*) to persons of Yemeni nationality in respect of such operations. The mother country, the Republic of Yemen, has no role in this when we consider that it deals with its people as citizens (*muwatinin*), not as "nationals" (*ra'aya*).

5. **In paragraph 72 we find**:

> The increased sophistication of traditional wooden dhows compounded by their lack of regulation and proper registration (at least in Somalia) has made them the mode of choice for arms embargo violators, in particular for arms originating from neighbouring Gulf States.

Response

The accusation is levelled against users of unregistered Somali vessels and the transport of weapons to Somalia, especially from "neighbouring Gulf States". Our country is the first to be harmed by this situation owing to its adverse effects on security and the role of such vessels in contraband operations, the smuggling of refugees and the conducting of prohibited commercial activities harmful to our country's economy and security.

6. **On page 20, under the heading "Case study No. 1", one finds the following**:

> To date, the Monitoring Group is aware of five arms purchases from Irtogte, and an additional purchase made directly from a neighbouring Gulf State.

Response

As mentioned previously, the Republic of Yemen is not concerned with responding to allusions in the report that tend to point an accusing finger at neighbouring States. There are numerous Gulf States not referred to by name in the report. Our country is implicitly one of the States of the region of the Gulf and the Arabian Peninsula. In more than one paragraph, however, the report alludes to our country by name. This twofold manner of allusion thus invalidates the accusation.

7. **On page 20, under the heading "Direct Purchase from the arms market of a Neighbouring Gulf State", one finds the following**:

> On 17 November 2004, a single ship with a foreign registration arrived from a neighbouring Gulf State at the port of Marka in southern Mogadishu carrying a shipment of arms. The arms consisted of PKM machine guns, RPG-7 rocket launchers, hand grenades, anti-tank mines, different types of ammunition and TNT (explosives). The shipment of arms was shared between the above-named individual and two other men, Sheikh Hassan Dahir Aweys and General Mohamed Nur Galal. All three are associated with al-Ittihad. The shipment was organized by a commercial front company.

When the ship arrived at the port of Marka, it was flying a Somali flag. When it returned to the waters of the same neighbouring Gulf State, it changed its flag to avoid possible problems with customs and police authorities of that State.

Response

As much as the report is clear in specifying the parties benefiting in Somalia from the shipment that arrived aboard a vessel with a "foreign" registration, it returns to the usual ambiguity regarding the role of a neighbouring Gulf State as the source of the shipment. This obscurity and the absence of any evidence, not to mention the failure to mention the time frame within which the incidents occurred, render it difficult to grasp the facts of the matter and to respond.

8. **Paragraph 85 of the report states**:

Yemen: As reported in paragraph 170 of its previous report (S/2004/604), the Monitoring Group is still awaiting the responses to its list of questions submitted to the Government of Yemen during the visit of the Monitoring Group to Yemen in April 2004. In December 2004, during a briefing by a representative of the Permanent Mission of Yemen to the United Nations to the members of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, at which the members of the Monitoring Group were also present, it was reported that Yemeni officials had intercepted two ships with weapons destined for Somalia in 2002 and 2004 respectively.

Response

The responses were submitted in time, in May 2004, through the United Nations Development Programme (UNDP) office in Sana'a. In addition, the Permanent Representative of the Republic of Yemen to the United Nations informed the members of the Security Council and the members of the Committee concerned as well as the members of the Monitoring Group, at the Committee meeting held in December 2004, of the course of events and the contents of the report sent the Organization. In compliance with a request by the Monitoring Group in January 2005, the responses were submitted again during February 2005 and were circulated to the Security Council sanctions administration and the Chairman and members of the Security Council Committee concerned.

9. **Paragraph 86 states the following**:

It is important to note that during the same presentation, the Yemeni representative informed the Committee that the responses requested by the Monitoring Group had been submitted to the office of the United Nations Development Programme in Yemen. However, the Monitoring Group has never received those responses. The Monitoring Group therefore wrote to the Government of Yemen on 13 January 2005 seeking further information regarding the above-reported interceptions. It also reminded the Government of the fact that the Monitoring Group was still awaiting a response to its questions, which the authorities had promised to submit to the Monitoring Group in May 2004. The list of questions submitted is set out in annex III to the present report.

Response

Same response as in the previous section.

10. **Paragraph 102 contains the following statement**:

> The Monitoring Group is convinced that another arms market, located in Yemen, operates in conjunction with the Bakaarah arms market by functioning as a continuing source for the arms routinely received by the Bakaarah arms market. The impact of the existence of these two arms markets on the instability of Somalia, particularly with regard to the many arms-related problems from which the front-line States suffer, should not be underestimated.

Response

The report does not specify the time period during which, according to the report, the arms market in Yemen played a role in supplying weapons to the arms market in Somalia and is lacking in information and details on which to base those conclusions. However, in 2003 the Republic of Yemen closed such markets in accordance with the law and withdrew permits for the buying and selling of weapons, as a phenomenon that is against the laws and regulations in force at present.

11. **Paragraph 109 contains the following**:

> Recalling the arms recommendation of the Monitoring Group in its previous report (S/2004/604) and elevating awareness at the international, regional and State levels of the dangerous contributions made by the Bakaarah arms market, including the arms market of the neighbouring Gulf State, to the continued destabilization of Somalia and the borders and arms-related internal problems in front-line States;
>
> Encouraging regional and other States to exercise diplomatic pressure on the neighbouring Gulf State to take strong restrictive measures to control the sale and clandestine movement of arms out of that country to Somalia and other States.

Response

Same as in the previous section.

12. **Annex II to the report asserts the following**:

> During the period 1-3 November 2002 a principal arms trader at the Irtogte market and a vice-minister in the Transitional Federal Government purchased arms from a neighbouring Gulf State and exported them to the Irtogte market for the purpose of selling them for profit. The arms in question were AK-47 assault rifles, PKM machine guns, RPG-7 rocket launchers and ammunition.

Response

The accusations levelled by the international Monitoring Group in document S/2004/604 that arms from the Republic of Yemen have reached Somalia were answered during the visit of the delegation from the Security Council Committee to the capital Sana`a in early 2004. At that time, the local authorities put the members of the delegation "in the picture" concerning the measures taken to implement the

embargo and stated their willingness to assist the Committee and the Group in carrying out joint missions aimed at that implementation. To that end, the competent authorities in Yemen requested the Security Council Committee to furnish full information, including the names of the entities and persons involved in such action in order that the necessary steps might be taken. To date, nothing of the kind has been received.

* * *

In fine, the Republic of Yemen considers that the Monitoring Group of the Security Council Committee established pursuant to resolution 751 (1992), concerning the imposition of an embargo on the supply of arms to Somalia, should cooperate with Somalia's neighbouring States. It is also extremely important for the implementation of the embargo that the work of the Group be characterized by greater clarity, transparency and trust.